

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Barbara Beerhalter
Cynthia A. Kitlinski
Norma McKanna
Robert J. O'Keefe
Darrel L. Peterson

Chair
Commissioner
Commissioner
Commissioner
Commissioner

In the Matter of a Summary
Investigation Into IntraLATA
Toll Access Compensation for
Local Exchange Carriers
Providing Telephone Service
Within the State of Minnesota

ISSUE DATE: April 22, 1988

Docket Nos. P-999/CI-85-582
P-999/CI-87-695
P-999/CI-87-696
P-999/CI-87-697
P-999/CI-87-698

ORDER AMENDING ORDER
AFTER RECONSIDERATION

Commission Findings and Conclusions

On November 2, 1987, the Minnesota Public Utilities Commission (the Commission) issued its Findings of Fact, Conclusions of Law and Order and Order Initiating Summary Investigations in the above-captioned matter. On January 11, 1988, the Commission issued its Order After Reconsideration in this matter (January 11 Order). The January 11 Order changed the compliance filing deadlines and postponed the start of the Designated Carrier Plan (the DCP), and the two year transitional period during which the DCP would be in effect, until June 9, 1988.

After reviewing the time lines established in the January 11 Order, the Commission finds that a potential timing problem exists for the start of the DCP and the two year transition period. The January 11 Order established:

- A. a March 11, 1988 filing deadline for each Local Exchange Carrier (LEC) to file a proposed intrastate access tariff, a proposed intrastate access revenue requirement, intrastate access minutes of use, and detailed documentation supporting each of them;
- B. an April 11, 1988 deadline for parties' comments on these filings;
- C. an additional 30 day period from the approval date of the non-NWB LECs' access tariffs for NWB to file its revised Carrier Common Line Charge (CCLC); and,

- D. a June 9, 1988 implementation date for the DCP and the two-year transition period.

The Commission finds that if it reviews and acts on the tariffs in item (A) above within 30 days after all comments are filed, the latest approval date for the tariffs could be May 11, 1988. Under the time lines established in the January 11th Order, NWB would then file its revised CCLC on or before June 10, 1988. June 10th, however, is one day after the June 9th effective date for the DCP.

The Commission finds that it has two options to resolve this potential timing problem. First, the Commission could allow the DCP to go into effect on June 9, 1988 without NWB's revised CCLC. If this option is pursued, no modifications in time lines are necessary. However, because NWB's CCLC will most likely change as a result of Commission Orders in the "582" case, the Commission finds that under this option it would be reasonable and fair to all parties to require NWB to refund or surcharge any difference in revenues generated by the existing CCLC during the period the existing CCLC remains in effect under the DCP.

The Commission finds that a second option is to postpone the start of the DCP until NWB's new CCLC is approved by the Commission. Conceivably, this could delay the start of the DCP to August 10, 1988. The August 10th date assumes that NWB's CCLC is filed on June 10th, comments are filed 30 days later and a Commission decision is rendered 30 days after that. Although this option would delay the start of the DCP, the Commission finds that it would avoid any potential refunding problems associated with NWB's CCLC.

The Commission concludes that it will delay the start of the DCP until the Commission approves NWB's new CCLC. The Commission finds that the DCP can be implemented by July 1, 1988; NWB indicated that it may not require a full 30 days from the approval date of the other LECs intrastate access tariffs to file its CCLC.

The Commission will not order the DCP implemented before the July 1 date to accommodate LEC end-of-fiscal year accounting. In comments to the Commission, several LECs have indicated that, from an accounting standpoint, a July 1 starting date would provide the least difficult transition to the DCP.

Finally, the Commission concludes that if NWB's CCLC is not approved by July 1, 1988, the Commission will make the DCP and two year transitional period starting date effective with the date NWB's CCLC is approved by the Commission.

ORDER

1. The Commission's Order After Reconsideration, issued January 11, 1988 in Docket Nos. P-999/CI-85-582, P-999/CI-87-695, P-999/CI-87-696, P-999/CI-87-697, and P-999/CI-87-698 is hereby amended in the following manner:
 - a. In ordering paragraph 2 (s) on page 21 of the Order, delete the last sentence which starts "The approval..." and ends with "of this Order."
 - b. Renumber ordering paragraphs 3 and 4 on page 21 of the Order to become new ordering paragraphs 4 and 5.
 - c. Insert new ordering paragraph 3 on page 21 of the Order which shall read:
 3. The designated carrier plan (the DCP) and the two year transitional period shall begin on July 1, 1988 if Northwestern Bell Telephone Company's (NWB's) revised Carrier Common Line Charge (CCLC) is approved by the Commission on or before July 1, 1988. If NWB's CCLC is not approved by July 1, 1988, the DCP and the two year transitional period shall begin concurrently with the date NWB's CCLC is approved by the Commission.
2. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Mary Ellen Hennen
Executive Secretary

(S E A L)